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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 25th April 2008

No.4909-1i/1(J)-8/2004/LE.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 30th January 2008 in Industrial Disputes Case No.15/2007 of the Presiding Officer, Labour Court, Jeypore to whom the Industrial Dispute between the Management of M/s Roxa Service Co-operative Society Limited, Boudh and their workman Shri Ramesh Kumar Pradhan was referred for adjudication is hereby published as in the scheduled below:—

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT, JEYPORE, KORAPUT

Camp at Rayagada

INDUSTRIAL DISPUTE CASE NO.15/2007

The 30th January 2008

Present : Shri G.K. Mishra, O.S.J.S. (Junior Branch)

Presiding Officer,
Labour Court, Jeypore
Dist : Koraput

Between: The Management of President,
Roxa Service Co-operative
Society Limited.,
At/P.O.-Roxa, Via-Bausuni
Dist: Boudh

.. First-Party—Management

Versus

Shri Ramesh Kumar Pradhan,
S/o- Late Sagari Pradhan
At/P.O.- Kasumabandha,
Via- Bausuni,
Dist: Boudh.

.. Second-Party—Workman

Under Section : 10 & 12 of the Industrial Disputes Act, 1947

<i>Appearances</i> : For the Managements No. I & II	.. None
For the Workman	.. None
Date of Argument	.. 29-01-2008
Date of Award	.. 30-01-2008

1. The Government of Orissa in the Labour & Employment Department in exercise of the power conferred upon them under sub-section (5) of Section 12 read with clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following disputes vide their Order No. 9388 (5), dated the 7th August 2007 for adjudication of the following disputes :—

SCHEDULE

“Whether the retrenchment of the workman Shri Ramesh Kumar Pradhan, Assistant Secretary-*cum*-Salesman with effect from 16th June 2002 by the Management of M/s Roxa Service Co-operative Society Limited, Roxa Boudh vide their Order No.3, dated the 10th June 2002 is legal and/or justified ? If not to what relief the workman is entitled to ?

AWARD

2. This is a case seems to have been originated out of the reference submitted by the Government for determination of an issue regarding the validity and justifiability of the termination effected in respect of the workman coupled with of otherwise relief to be granted in consequence there of.

3. The laconic story presented by the workman on the point that the Management having retrenchment the workman as a real capacity without complying the statutory provision challenged has been meted out by the workman on its propriety.

4. The Management on the contrary repudiated the entire assertions and contended *inter alia* that the Secretary of Roxa Service Co-operative Society Limited, under the authority of the Management having issued termination letter complying with the statutory provision, the termination can not be considered to be invalid and inoperative to law. Basing upon that the Management claims the reference to be considered as misconceived.

5. The main grievance ventilated by the workman in this case particularly on the entitlement of the Secretary Roxa Service Co-operative Society Limited, in issuing termination letter in his favour. Though the admitted the provisions of termination has been properly complied with the workman has received one month notice from the Management along with the one month salary. The back wages due on the Management has also been paid to the workman. It is the stipulation provided in the statute that the Management who has employed the workman is only entitled to terminate the service and provided the service of the workman is to protected U/s 25-F of the Industrial Dispute Act. The Management also has got power to authorise any other person

sub-ordinated to him to take disciplinary action even imposing penalty on his behalf. The authorisation can not be challenged on the ground of termination being executed by sub-ordinate officer. The matter is quite distinguishable with the present case where the letter of termination has been issued by the Secretary Roxa Service Co-operative Society Limited and this letter clearly reveals that under the authority of the Management letter of termination has been issued by the Secretary. He has not personally taken the matter for imposing punishment of retrenchment. the decision has been taken by the Management for such termination and Secretary was authorised to communicate the matter of termination to the workman. So it can not be said that the Secretary has terminated his service which is misunderstood by the workman. The true interpretation derived from the letter become crystal clear that it was the Management who had taken the decision for termination and authorised the Secretary to communicate it to the workman. The retrenchment having been effect after due compliance of the mandatory provision U/s 25-F of the Industrial Dispute Act can be considered to be legal and justified. Contention raised by the workman challenging the act of termination can be ruled out being un-sustainable.

The reference is answered accordingly.

ORDER

The rerefence is disposed of on contest and act of termination effected by the Management in respect of the workman on 10th June 2002 is legal and justified and the workman is not entitled to any other relief.

Dictated and Corrected by me

G.K. Mishra

dt. 30-01-2008

Presiding Officer,

Labour Court,

Jeypore ,Koraput

G.K. Mishra

dt. 30-01-2008

Presiding Officer,

Labour Court.

Jeypore, Koraput

By order of the Governor

G.N. JENA

Deputy Secretary to Government
